

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JIMMY RAY O’KELLEY,

Petitioner,

vs.

No. CIV-10-702 JCH/ACT

MIKE HEREDIA, Warden,
and GARY K. KING,
Attorney General for the
State of New Mexico,

Respondents.

ORDER

This matter comes before the Court on Petitioner Jimmy Ray O’Kelley’s Motion for Appointment of Counsel. [Doc. 3.]

Factors the Court weighs when considering a motion for appointment of counsel include “the merits of the litigant’s claims, the nature of the factual issues raised in the claims, the litigant’s ability to present his claims, and the complexity of the legal issues raised by the claims.” *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995)(quoting *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991)). The Court does not find that the claims in this case raise complex legal issues. The Court routinely resolves such claims under 28 U.S.C. § 2254. The Court also finds that O’Kelley has adequately presented and addressed the issues he is raising in his petition for writ of habeas corpus [Doc.1.]

IT THEREFORE ORDERED that Mr. O’Kelley’s Motion for Appointment of

Counsel is DENIED.

ALAN C. TORGERSON
United States Magistrate Judge